

STATE OF INDIANA
COUNTY OF HARRISON

IN THE MATTER OF JOINT
LOCAL RULES

CAUSE NO. 31D01-1209-MI-
31C01-1209-MI-

**ORDER FINDING GOOD CAUSE TO DEVIATE
FROM THE SCHEDULE FOR ADOPTING LOCAL COURT RULE**

The Judges of Harrison County Indiana, according to T.R. 81(D), find that good cause exists to deviate from the schedule established for the adoption or amendment of local court rules for the amendments proposed in the attached updated local court rules. The Harrison County Courts now submit the attached amended Local Rules for comment by the bar and the public. These rules do not require the approval of the Indiana Supreme Court.

The Clerk of Circuit and Superior Courts shall post the proposed revision in the Clerk's offices and on the Clerk's website and forward a copy to the officers of the Harrison Crawford County Bar Association. The Division of State Court Administration is requested to post the proposed revision on the Indiana Judicial website.

Comments may be submitted to: The Honorable Roger D. Davis, Judge of Harrison Superior Court at 1445 Gardner Lane, Suite 3018, Corydon, IN 47112, or The Honorable John Evans, Judge of the Harrison Circuit Court at 300 North Capitol Avenue, Corydon, IN 47112.

Comments may be made for thirty (30) days after posting pursuant to Trial Rule 81.

The proposed revision to the Harrison County Local Court Rule LR31-CR00-14 shall take effect November 10, 2012.

SO ORDERED THIS _____ DAY OF _____, 2012.

ROGER D. DAVIS, JUDGE, HARRISON SUPERIOR COURT

JOHN EVANS, JUDGE HARRISON CIRCUIT COURT

LR31-CR00-14

BOND SCHEDULE AND RULES

OFFENSE	BOND AMOUNT (FULL CASH ONLY)	
	Indiana Residents	Non-Residents
Public Intoxication	Own Recognizance	\$500 cash, or surety 20 % deposit
Class “C” Misdemeanors except Operating While Intoxicated and purchasing more than 3 grams of Pseudoephedrine and/or Ephedrine within one week	\$500 cash, or surety; 20% cash deposit	\$500 cash, or surety; 40% deposit
Class “B” Misdemeanors except Public Intoxication	\$750 cash, or surety; 20% cash deposit	\$750 cash, or surety; 40% cash deposit
Class “A” Misdemeanors , except Operating While Intoxicated, Marijuana and Title 9	\$1,000 cash, or surety; 20% cash deposit	\$1,000 cash, or surety; 40% cash deposit
Class “D” Felonies , except Child Molesting, Child Solicitation, sexually Violent predator defendants, Title 9, controlled substance, Marijuana, Methamphetamine, Chemical Reagents or Precursors, Dumping Controlled Substance Waste, Possession of Anhydrous Ammonia With Intent to Manufacture, Possession of More Than 10 Grams of Pseudoephedrine, Ephedrine, and/or Phenylpropanolomine	\$4,000 cash, or surety; 20% cash deposit	\$4,000 cash, cash or surety; 40% cash deposit

Class “C” Felonies ~~\$10,000 cash or surety~~ ~~\$20,000 cash~~
except , Child Molesting, Child ~~or surety~~
Solicitation, sexually violent
predator defendants,
those involving the
operation of a motor
vehicle, controlled substances,
Meth, Possession of Two or More
Chemical Reagents or Precursors,
Possession of More Than 10 Grams
of Pseudoephedrine, Ephedrine, and/or
Phenylpropanolamine, Possession of
Anhydrous Ammonia With Intent
to Manufacture

Class “B” Felonies ~~\$20,000 cash or~~ ~~\$40,000 cash or~~
except Child Molesting, Child ~~surety~~ ~~surety~~
Solicitation, sexually violent
predator defendants,
those involving the
operation of a motor
vehicle, controlled substances,
and Methamphetamine

Class “A” Felonies, ~~\$50,000 cash or surety~~ ~~\$100,000 cash or~~
except Child Molesting, Child ~~surety~~
Solicitation, sexually violent
predator defendants,
Attempted Murder,
controlled substances,
and Methamphetamine

Operating While ~~\$500 full cash only~~ ~~\$500 full cash only~~
Intoxicated, Class “A” and ~~(No property, surety~~ ~~(No property or~~
Class “C” Misdemeanors, ~~or 20% cash deposit)~~ ~~surety or a % cash~~
Marijuana as a ~~deposit~~
Class “A” Misdemeanor,
and all Title 9 Class “A”
Misdemeanors

Title 9, Operating While Intoxicated, and Marijuana Class “D” Felonies	\$800 full cash only (No property, surety or 20% cash deposit)	\$800 full cash only (No property surety or % cash deposit)
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Class “C” Felonies involving the operation of a motor vehicle	\$5,000 full cash only	\$5,000 full cash only
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Class “B” Felonies involving the operation of a motor vehicle	\$10,000 full cash only	\$10,000 full cash only
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Marijuana

Class “C” Felonies	\$5,000 full cash only (No property, surety or 20% deposit)	\$10,000 full cash only (No property surety or 20% deposit)
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Controlled Substance Class “D” Felonies except Methamphetamine and Methamphetamine related offenses	\$2,500 full cash only (No property, surety or 20% cash deposit)	\$2,500 full cash only (No property, surety or % cash deposit)
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Controlled Substance Class “C” Felonies except Methamphetamine and Methamphetamine related offenses	\$5,000 full cash only (No property, surety or 20% cash deposit)	\$5,000 full cash only (No property, surety or % cash deposit)
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Controlled Substance Class “B” Felonies except Methamphetamine	\$10,000 full cash only (No property, surety or 20% cash deposit)	\$10,000 full cash only (No property, surety or % cash deposit)
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Controlled Substance	\$25,000 full cash only	\$25,000 full cash
Class "A" Felonies	(No property, surety	only (No property
except Methamphetamine	or 20% cash deposit)	surety, or % cash
		deposit

Class "C" Misdemeanor	\$500.00 full cash only	\$500.00 full cash
Purchasing More Than 3	(No property, surety	only (No and/or
grams of Pseudoephedrine	or % cash deposit)	property, within
Ephedrine		one week surety
		or % cash deposit

Class "D" Felonies,	\$5,000 full cash only	\$5,000 full cash
Methamphetamine,	(No property, surety or	only (No property
Possession	20% cash deposit	surety or % cash
of Two or More		deposit)
Chemical Reagents		
or Precursors With Intent to		
Manufacture, Dumping Controlled		
Substance Waste, Possession of		
More Than 10 Grams of		
Pseudoephredine, Ephedrine and/or		
Phenylpropanolomine, Possession of		
Anhydrous Ammonia With Intent		
to Manufacture		

Class "C" Felonies,	\$10,000 full cash only	\$10,000 full cash
Methamphetamine,	(No property, surety or	(No property,
Possession of	20% cash deposit)	surety or % cash
Two or More		deposit)
Chemical Reagents		
Precursors With Intent to		
Manufacture, Possession of More		
Than 10 Grams of Pseudoephredine,		
Ephedrine and/or		
Phenylpropanolomine, Possession of		
Anhydrous Ammonia With Intent to		
Manufacture		

Class “B” Felony	\$20,000 full cash only	\$20,000 full cash
Methamphetamine	(No property, surety	only (No property,
	or 20% cash deposit)	surety or % cash
		deposit)

Class “A” Felony	\$50,000 full cash only	\$50,000 full
Methamphetamine	(No property, surety	cash only (No
	or 20% cash deposit)	property, surety
		or % cash deposit

All Class “C” Misdemeanors	\$250.00
All Class “B” Misdemeanors	\$500.00
All Class “A” Misdemeanors	\$1,000.00
All Class “D” Felonies	\$2,500.00
All Class “C” Felonies	\$5,000.00
All Class “B” Felonies	\$25,000.00
All Class “A” Felonies	\$50,000.00

Illegal Aliens	No Bond for three (3) working days unless INS notifies jail sooner of No Hold
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Attempted Murder	\$100,000 full cash only \$100,000 full cash only
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<u>Murder, a person charged</u> <u>with a violent crime as defined</u> <u>in I.C. 5-2-6.1-8 that results</u> <u>in bodily injury or death</u> <u>to a victim, battery upon a</u> <u>child, Invasion of Privacy,</u> Child Molesting, Child Solicitation, Sexually Violent Predator Defendants as defined in I.C. 35-33-8-3.5, True Identity of Person Unknown, and Fugitives from another state	No Bond until set by Court after hearing
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**Property, surety, and percentage bonds may only be posted if authorized
by the Court.**

Upon issuance of a criminal warrant, the amount of bail specified may be endorsed upon the warrant, in which case, the amount endorsed supersedes the bond schedule.

Any person arrested for a **new criminal charge** who has **been arrested** for a **criminal charge within one (1) year of the date of the new arrest** shall be **required** to post a **bond** in amount equal to **twice (double)** the **amount** that would **otherwise be required** to be posted.

In determining the bail for persons that are arrested for a new criminal charge who are on probation or parole the Court finds a person arrested for a **new criminal charge** who is **on parole** or **on probation** for a **felony offense** shall be **held without bond for fifteen (15) days** or until brought before the Court. At the expiration of the fifteen (15) day **hold** the bond shall be **twice (double)** the **amount** that would **otherwise be required** if the defendant was not on parole or probation for a felony offense.

As a condition of bond, all persons, defendants and/or bond makers posting cash bonds are to be notified that bond will be receipted in the name of the Defendant and may be subject to payment to the Clerk of the Court for fines, Court costs, probation user fees, pre-trial diversion fees, alcohol-drug program fees, alcohol and drug countermeasure fees, drug interdiction fees, restitution, public defender fees or any other assessment pursuant to I.C. 35-33, before any balance will be released to the Defendant or bond maker. The Sheriff is directed to notify each person posting bond of this Order of the Court. Bond maker shall pay a **\$5.00 fee on each bond** for the special death benefit fund as required by law.

Due to the Sheriff's inability to bond all persons that handle cash bonds, the Sheriff of Harrison County, in his discretion, may require all "full cash" bonds to be posted using certified check or money order.

Any person arrested for a crime of domestic violence (as described in I.C. 35-41-1-6.3) **Battery, Criminal Recklessness, Sex Crimes (I.C. 35-42-4), Kidnapping, Criminal Confinement, Robbery, Car Jacking, Arson, Residential Burglary, Residential Entry, Stalking, Criminal Gang Intimidation, Harassment, Intimidation, Invasion of Privacy**, and when an individual is charged with **attempt, conspiracy, or aiding and abetting** in any of the above listed types of offenses, **shall not be permitted to post any bond for 8 24 hours** or until the person is brought before the Court, whichever comes first.

The following No Contact condition of bond Protective Order shall apply only to in all cases involving , a defendant who is charged with committing a violent crime (as defined in I.C. 5-2-6.1-8) that results in bodily injury to a person when ordered by the Court after a hearing. The No Contact condition of bond shall remain in effect until further order of the Court. ~~Attempted Murder, Battery, Domestic Battery, Criminal Recklessness, Sex Crimes (I.C.35-42-4), Incest, Promotion of Human Trafficking, Human Trafficking, Sexual Trafficking of a Minor, Kidnapping, Criminal Confinement, Robbery, Car Jacking, Arson, Residential Burglary, Residential Entry, Stalking, Intimidation, Harassment, Criminal Gang Intimidation, Invasion of Privacy,~~ and shall apply when an individual is charged with attempt, conspiracy, or aiding or abetting in any of the above listed types of offenses.

NO CONTACT ORDER UPON RELEASE FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE.

This is a No-Contact Protective Order. The defendant shall have NO CONTACT with the alleged Victim(s) in this matter, in person, by telephone or letter, through a third party, or an intermediary, or in any way, directly or indirectly while released from custody pending trial, and shall refrain from abusing, stalking, harassing, threatening, intimidating or disturbing the peace of the alleged Victim (s). Defendant shall not use, attempt, or threaten the use of physical force against the alleged Victim(s) that would reasonably be expected to cause bodily injury. Defendant shall not use physical force of any kind against the alleged victim(s). The Court finds this order is necessary to preserve the safety, peace, and dignity of the community. Violation of this Order is a crime, invasion of privacy, under I.C. 35-46-1-15.1. ~~You may request this order be canceled or modified at your first Court hearing.~~ Any person subject to a Protective Order may be prohibited from possessing any firearm or ammunition under federal law. This Order is issued pursuant to I.C. 35-33-8-3.2. The defendant shall not visit any location during the period of his or her release where the defendant knows the alleged victim(s) to be located. This order remains in effect until further order of the Court. ~~Until this case has been tried and the defendant has been sentenced, if found guilty.~~ The defendant is forbidden to enter or stay at the alleged victims' residence, even if invited to do so by the alleged victim(s) or any other person. This order for protection may only be canceled or changed by the Court. This order for protection shall be given full faith and credit in any other state or tribal land pursuant to 18 U.S.C. 2265. Pursuant to 18 U.S.C. 922(g), once a defendant has received notice of this order and an opportunity to be heard, it may be a federal violation to purchase, receive,

or possess a firearm while subject to this order if the protected person is a current or former spouse, a current or former person with whom the defendant resided in an intimate relationship, or a person with whom the defendant has a child.

Victim(s) Information

Name: _____	Name: _____
D.O.B.: _____	D.O.B.: _____
Sex: _____	Sex: _____
Race: _____	Race: _____

* Intimate partner of defendant.

Defendant had actual notice and an opportunity to participate in a hearing regarding this protective order.

~~EXHIBIT "A"~~

The Harrison County Sheriff shall use the Terms and Conditions of Bond provided in this rule and the form attached hereto as Exhibit "A" for every person bonding out on any criminal case in Harrison County, Indiana. All employees of the Harrison County Sheriff and all employees of Harrison County shall use their best efforts to fully complete all information required by the Terms and Conditions of Bond (Exhibit "A").

All employees of Harrison County or of the Sheriff of Harrison County shall enter all no-contact protective orders as a condition of bond in the protective order registry.

In any instance where a case number is not available because the criminal case has not yet been filed a case number shall be assigned as follows:

1. The first five digits of the case number shall always be: 31D01.
2. The next four digits of the case number shall coincide with the year and month consistent with the date the defendant bonded out of jail. These four digits shall be the last two digits of the year and the two numerical digits representing the month the defendant bonded out of jail. For example, if a defendant bonded out in June of 2008, the four digits would be 0806.
3. The next two digits shall always be "CM".

4. The next six digits of the case number shall always start with “9” and shall consist of six numbers. The first case entered shall be “900001” and sequentially thereafter. For example, the second case entered in the protective order registry, when a criminal case number is not yet available, shall be “900002”.

A criminal case number shall be used when it is available. No-contact protective orders as conditions of bond shall be entered with no expiration. “NON-EXP” shall be used for protective orders that have no expiration date.

Illegal Aliens shall be **held without bond** until further order of the Court or the expiration of **three (3) working days** (Holidays and weekends do not count) **after arrest** or until notice by INS of No Hold, whichever comes first. Unless the Court orders otherwise, the defendant’s bond shall be in accordance with this **bond schedule after** the expiration of **three (3) working days from** the time of **arrest** or notification from INS that there will be **no hold**. The purpose of this order concerning illegal aliens is to allow the Homeland Security/ Immigration and Naturalization Service (INS) adequate time to investigate and determine whether the INS wishes to detain the defendant for prosecution and/or deportation.

If the true identify of a person is unknown s(he) shall be held until further order of the Court.

All persons arrested for **Driving While Intoxicated, Driving with a B.A.C. of .08 or greater, Minor Consuming or Public Intoxication** shall not be released from custody until a sufficient number of hours have elapsed to permit the alcohol to disperse from the body. The following is the **MINIMUM** number of hours of custody:

B.A.C.	HOURS	B.A.C.	HOURS	B.A.C.	HOURS
.075	5	.150	10	.225	15
.090	6	.165	11	.240	16
.105	7	.180	12	.255	17
.120	8	.195	13	.270	18
.135	9	.210	14	.285	19
				.300	20
REFUSAL	24				

All persons arrested for **Public Intoxication or Minor Consuming** **WILL** be held **in custody** until a sufficient number of hours have elapsed to permit alcohol to disperse from the body according to a **B.A.C. test (not P.B.T.)** If the defendant **fails, refuses, or declines a B.A.C.** then (s)he shall be **held for Twenty-four (24) hours.**

All persons over 18 years of age charged with **Minor Consuming** may be held in custody for a **MINIMUM OF TWENTY-FOUR (24) HOURS** unless they voluntarily submit to a B.A.C. test. If they submit to a B.A.C. test they may bond out after the burn off time set forth herein. The police, Sheriff, and Corrections personnel are not required to provide a B.A.C. test.

All persons arrested on any charge(s) who are **under the influence of and are impaired by marijuana or any illegal drug** shall be held in custody for **Twenty-four (24) hours.**

The Jailer or Bond maker is **DIRECTED** to obtain an address and telephone number of the Defendant on the bond.

There shall be no initial bond on persons arrested for being fugitive from another state unless the Court sets a bond in such instances.

NO individual, who is arrested, may be released on his or her **OWN RECOGNIZANCE** without the authority of the Judge of the Circuit or Superior Court except as set forth herein. **Bonds or any Bench Warrants** may **NOT** be **changed** except by the Judge of the Circuit or Superior Court. Any of the above provisions can be altered (increased or decreased) by the Judge of the Circuit or Superior Court.

All persons making bond shall complete and sign Terms and Conditions of Bond and shall be subject to the terms and conditions of bond as set forth in Exhibit "A" attached hereto. The defendant shall be given a return date no longer than ten (10) days after being released from jail unless the Court has set a different date.

A "sexually violent predator defendant" has the meaning set forth in I.C. 35-33-8-3.5 and includes a person who is a sexually violent predator under I.C. 35-38-1-7.5 who is arrested for or charged with the commission of an offense that would classify the person as a sex or violent offender (as defined in I.C. 11-8-8-5).

EXHIBIT "A"

STATE OF INDIANA)
)
COUNTY OF HARRISON)

NAME: _____ ALIASES: _____
ADDRESS: _____ PHONE NO.: _____
DATE OF BIRTH: _____ INITIAL HEARING: _____
SSN: _____

TERMS AND CONDITIONS OF BOND

The following terms and conditions of bond apply to all criminal cases until further order of the Court:

- : 1. Defendant shall appear at every hearing, trial date, presentence interview, and any other time as ordered by the Court and remain until the case is called.
- : 2. Defendant shall not violate any state or federal law and not commit any crime..
- : 3. Defendant shall notify the Clerk of the Court of any change of address within 72 hours

The following No Contact condition of bond Protective Order shall apply only to in all cases involving a defendant who is charged with a violent crime (as defined in I.C. 5-2-6.1-8) that results in bodily injury to a person when ordered by the Court after a hearing. ~~Attempted Murder, Battery, Domestic Battery, Criminal Recklessness, Sex Crimes (I.C.35-42-4), Incest, Promotion of Human Trafficking, Human Trafficking, Sexual Trafficking of a Minor, Kidnaping, Criminal Confinement, Robbery, Car Jacking, Arson, Residential Burglary, Residential Entry, Stalking, Intimidation, Harassment, Criminal Gang Intimidation, Invasion of Privacy~~, and shall apply when an individual is charged with attempt, conspiracy, or aiding or abetting in any of the above listed types of offenses.

NO CONTACT ORDER UPON RELEASE FROM CUSTODY ON BAIL OR PERSONAL RECOGNIZANCE.

This is a No-Contact Protective Order. The defendant shall have NO CONTACT with the alleged Victim(s) in this matter, in person, by telephone or letter, through a third party, or an intermediary, or in any way, directly or indirectly while released from custody pending trial, and shall refrain from abusing, stalking, harassing, threatening, intimidating or disturbing the peace of the alleged Victim (s). Defendant shall not use, attempt, or threaten the use of physical force against the alleged Victim(s) that would reasonably be expected to cause bodily injury. Defendant shall not use physical force of any kind against the alleged victim(s). The Court finds this order is necessary to preserve the safety, peace, and dignity of the community. Violation of this Order is a crime, invasion of privacy, under I.C. 35-46-1-15.1. ~~You may request this order be canceled or modified at your first Court hearing.~~ Any person subject to a Protective Order may be prohibited from possessing any firearm or ammunition under federal law. This Order is issued pursuant to I.C. 35-33-8-3-2. The defendant shall not visit any location during the period of his or her release where the defendant knows the alleged victim(s) to be located. This order remains in effect until further order of the Court. ~~until this case has been tried and the defendant has been sentenced, if found guilty.~~ The defendant is forbidden to enter or stay at the alleged victims' residence, even if invited to do so by the alleged victim(s) or any other person. This order for protection may only be canceled or changed by the Court. This order for protection shall be given full faith and credit in any other state or tribal land pursuant to 18 U.S.C. 2265. Pursuant to 18 U.S.C. 922(g), once a defendant has received notice of this order and an opportunity to be heard, it may be a federal violation to purchase, receive, or possess a firearm while subject to this order if the protected person is a current or former spouse, a current or former person with whom the defendant resided in an intimate relationship, or a person with whom the defendant has a child.

Victim(s) Information

Name: _____	Name: _____
D.O.B. _____	D.O.B. _____
Sex: _____	Sex: _____
Race: _____	Race: _____

*Intimate partner of Defendant

Defendant had actual notice and opportunity to participate in a hearing regarding this protective order.

SO ORDERED by Local Rule LR31-CR00-14

I understand the above terms and conditions of bond.

_____	_____	_____
Date	Defendant's Signature	Booking Officer's Signature

*Intimate partner is defined as a spouse, former spouse, a person who shares a child in common with the defendant, or an individual who cohabitates or has cohabitated with the defendant.

